

### **REMARKS**

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-17 are now present in the application. The specification and claims 1, 7 and 12 have been amended. Claims 1, 7 and 12 are independent. Reconsideration of this application, as amended, is respectfully requested.

### **Specification**

The specification has been amended to comply with 37 C.F.R. §1.84(p)(5) for drawings. Support for the amendments to the specification can be found in FIG. 1. Applicant respectfully submits that no new matter is entered. Entry of the above amendments to the specification is earnestly solicited.

### **Drawings Objection**

The drawings have been objected under 37 C.F.R. § 1.84(p)(5). In view of the foregoing amendments to the specification, it is respectfully submitted that this objection has been addressed. Reconsideration and withdrawal of this objection are respectfully requested.

### **Claim Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 1, 2, 4, 5, 7, 9, 10, 12, 13, 15 and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kanevsky, U.S. Patent No.

6,496,949. Claims 3, 8 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanevsky in view of Gold, U.S. Patent No. 6,785,786. Claims 6, 11 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanevsky. These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that these rejections have been obviated and/or rendered moot. As the Examiner will note, independent claims 1, 7 and 12 have been amended to address the Examiner's rejections.

Independent claim 1 now recites a combination of elements including "an input module, with which a user enter a backup request at a time a backup procedure starts" and "a backup management module, which transmits at least one set of data stored in the portable electronic device wirelessly to the computer device and saves the data in the database through the backup I/O module, the backup management module being in the portable electronic device".

Independent claim 7 now recites "a database in a computer device" and "a backup I/O module in the computer device... stores the data in the database of the computer device".

Independent claim 12 now recites "a backup initiating step, in which a user uses the input module to enter a backup request at a time a backup procedure starts", "the backup management module of the portable electronic device transmits at least one set of data stored in the

portable electronic device wirelessly to the computer device” and “the backup I/O module of the computer device stores the data in the database of the computer device”.

Applicant respectfully submits that the combination of elements set forth in claims 1 and 7 and the combination of steps set forth in claim 12 are not disclosed or suggested by the references relied on by the Examiner.

Kanevsky discloses a emergency backup system including a computer network 100 to connect a plurality of computers 102, 104, 110 and 112 and a server 116, and a remote sensor 114 to detect an emergency situation (see FIG. 1). The server 116 includes a classifier 118, a database 120 generated by the classifier 118, and a network mapper 121 (see FIG. 2; col. 2, lines 66-67;). The database 120 includes, among others, an initial emergency network map 128 (see FIG. 2). Upon the sensor 114 sensing an emergency situation, a backup process is initiated by an endangered computer in the zone of danger (see col. 2, lines 46-48). The type of backup done is pre-selected by the system administrator or owner (see col. 2, lines 49-50). Then the initial emergency network map 128 in the database 120 is passed to the network mapper 121 to form the backup network of updated emergency network map 128', which includes a schedule for selecting which devices are to be connected for backup (see FIG. 2; col. 3, lines 2-9; col. 4, lines 39-67).

**Claim 1**

As mentioned, Kanevsky only teaches that the backup process is initiated by an endangered computer and the type of backup done is pre-selected by the system administrator or owner. Kanevsky therefore fails to teach that the backup request is entered by the user at the time a backup procedure starts as recited in claim 1.

In addition, Kanevsky fails to teach “a backup management module, which transmits at least one set of data stored in the portable electronic device wirelessly to the computer device and saves the data in the database through the backup I/O module” as recited in claim 1. The Examiner indicated that the initial emergency network map 128 is the backup management module as recited in claim 1. Applicant respectfully disagrees. As mentioned, the server 116 uses the initial emergency network map 128 to form the backup network of updated emergency network map 128' for providing an updated mapping among the computers connected to the network 100. In other words, the server 116 creates a mapping system to re-connect the computers in the network 100, so that the data of the computer(s) in a zone of danger can be backed up in the computer(s) in a zone of safety. The initial emergency network map 128 is only a mapping among the computers connected to the network 100. The initial emergency network map 128 cannot “transmit[] at least one set of data stored in the portable

electronic device wirelessly to the computer device and save[] the data in the database through the backup I/O module” as recited in claim 1.

Furthermore, the initial emergency network map 128 and the updated emergency network map 128’ are in the server 116 and are not a part of the computers in the zone of danger or in the zone of safety. Therefore, the initial emergency network map 128 is not in any to-be-backup computer or portable electronic device in the zone of danger. Therefore, Kanevsky fails to teach “the backup management module being in the portable electronic device” as recited in claim 1.

#### **Claim 7**

Kanevsky fails to teach the combination of elements recited in claim 7. The Examiner indicated that the database 120 in Kanevsky is the database recited in claim 7. Applicant respectfully disagrees. As mentioned, the database 120 includes an initial emergency network map 128. Upon the sensor 114 sensing an emergency situation, the initial emergency network map 128 in the database 120 is passed to the network mapper 121 to form the backup network of updated emergency network map 128’.

However, the database 120 is in the server 116 and is not a part of computer device in the zone of safety for backing up the data of the portable electronic device in the zone of danger. Therefore, Kanevsky fails to teach “a database in a computer device” as recited in claim 7.

In addition, the backup data are not stored in the database 120, but are stored in the computer in the zone of safety. Furthermore, as mentioned, the updated emergency network map 128' is not a part of the computers in the zone of safety. Therefore, Kanevsky fails to teach "a backup I/O module in the computer device... stores the data in the database of the computer device" as recited in claim 7.

### **Claim 12**

Kanevsky fails to teach the combination of steps recited in claim 12. For the same reasons presented in the arguments regarding claim 1, Kanevsky fails to teach "a backup initiating step, in which a user uses the input module to enter a backup request at a time a backup procedure starts" as recited in claim 12 because Kanevsky only teaches that the type of backup done is pre-selected by the system administrator or owner.

For the same reasons presented in the arguments regarding claim 1, Kanevsky fails to teach "the backup management module of the portable electronic device transmits at least one set of data stored in the portable electronic device wirelessly to the computer device" as recited claim 12 because the initial emergency network map 128 is not a part of the portable electronic device in the zone of danger, and it is only a mapping and cannot transmit data.

For the same reasons presented in the arguments regarding claim 7, Kanevsky fails to teach “the backup I/O module of the computer device stores the data in the database of the computer device” because the database 120 is not a part of the computer in the zone of safety, and the backup emergency network map 128’ is only a mapping and cannot store the data.

With regard to the Examiner’s reliance on Gold, this reference has only been relied on for its teachings relating to automatic data restoration. This reference also fails to disclose the above combination of elements/steps as set forth in amended independent claims 1, 7 and 12. Accordingly, this reference fails to cure the deficiencies of Kanevsky.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of amended independent claims 1, 7 and 12 or their dependent claims. Therefore, Applicant respectfully submits that all of the claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but merely to show the state of the prior art, no further comments are necessary with respect thereto.

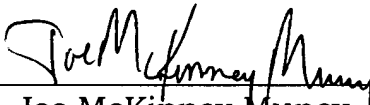
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Joe McKinney Muncy  
Reg. No. 32,334

KM/GH/mmi/asc  
3626-0217P

GA

P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000